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7 Proposed Special Counsel to Richard A. Marshack,
8 Chapter 11 Trustee

10 **UNITED STATES BANKRUPTCY COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **SANTA ANA DIVISION**

14 In re:

15 THE LITIGATION PRACTICE GROUP P.C.,

16 Debtor.

Case No.: 8:23-bk-10571-SC

Chapter 11

**DECLARATION OF CHAPTER 11
TRUSTEE'S COUNSEL REGARDING
PROOF OF NOTICE OF HEARING AND
SERVICE FOR EMERGENCY MOTION
(I) FOR ENTRY OF INTERIM ORDER:
(A) AUTHORIZING THE TRUSTEE TO
OBTAIN POST-PETITION FINANCING
AND SUPERPRIORITY
ADMINISTRATIVE EXPENSE CLAIM
PURSUANT TO 11 U.S.C. § 364; AND (B)
SETTING FINAL HEARING; AND
PURSUANT TO FINAL HEARING, (II)
FOR ENTRY OF FINAL ORDER
APPROVING POST-PETITION
FINANCING ON A FINAL BASIS**

24 Date: June 20, 2023

25 Time: 3:00 p.m.

Judge: Hon. Scott C. Clarkson

Place: Courtroom 5C

411 W. Fourth Street

Santa Ana, CA 92701

DECLARATION OF JONATHAN SERRANO

I, JONATHAN SERRANO, declare:

1. I am an associate attorney in the law firm of Dinsmore & Shohl LLP, proposed special counsel for Richard A. Marshack, the Chapter 11 Trustee (“Trustee”) for the bankruptcy estate (“Estate”) of The Litigation Practice Group, P.C. (“Debtor”) in the above-captioned bankruptcy case (“Case”). As such, except as expressly stated otherwise, I have personal knowledge of the facts set forth below and could and would competently testify under oath thereto if requested to do so.

2. At approximately 10:30 a.m. on Tuesday, June 20, 2023, I was advised by a clerk for Judge Clarkson that the hearing on this *Emergency Motion (I) for Entry of Interim Order: (A) Authorizing The Trustee to Obtain Post-Petition Financing and Superpriority Administrative Expense Claim Pursuant to 11 U.S.C. § 364; and (B) Setting Final Hearing; and Pursuant to Final Hearing, (II) for Entry of Final Order Approving Post-Petition Financing on a Final Basis* [Docket No. 119] (the “Motion”) had been set for Tuesday, June 20, 2023 at 3:00 p.m.

3. By 12:00 p.m. that same day—Tuesday, June 20, 2023—I emailed David Cousineau, counsel for creditors Debt Validation Fund II, LLC; MC DVI Fund 1, LLC; and MC DVI Fund 2, LLC, notifying him of the hearing information. In addition, I emailed the hearing information to Russ Squires of creditor Validation Partners LLC. I understand that Peter Anderson, Queenie Ng, and Kenneth Misken were contacted before 12:00 p.m. as well. As a follow up, I emailed the hearing information to Kenneth Misken, Queenie Ng, and Leslie Skorheim of the Office of the United States Trustee’s Office.

4. By 1:00 p.m. of the same date, I reviewed the List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders [Docket No. 16] (the “Top 20 List”). The Debtor did not provide any email addresses or phone numbers for these creditors. However, I worked to locate as many of them as possible. By approximately 2:15 p.m. of the same date, I emailed Paul Shankerman, counsel for creditor Outsource Accelerator Limited, one of the creditors on the Top 20 List.

1 5. I also reviewed the ECF list. The Court set the hearing on the Motion, thereby
2 notifying those parties on the ECF list. These parties registered to receive electronic notice were
3 also given notice of the Motion upon its filing on June 16, 2023. Attached hereto as **Exhibit A** is a
4 true and correct copy of the Proof of Service for the Motion, which was filed with the Motion on
5 June 16.

6 6. Despite the Trustee having access to incomplete contact information, as provided by
7 the Debtor, this Motion seeks an *interim* order. A hearing for entry of an order on a *final* basis can
8 be noticed on all creditors and parties in interest.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct.

11
12 DATED: June 20, 2023

/s/ Jonathan Serrano

Jonathan Serrano

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EXHIBIT A

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled (*specify*):

Trustee's Notice of Motion and Emergency Motion (I) for Entry of Interim Order: (A) Authorizing the Trustee to Obtain Post-Petition Financing and Superpriority Administrative Expense Claim Pursuant to 11 U.S.C. § 364; and (B) Setting Final Hearing; and Pursuant to Final Hearing, (II) for Entry of Final Order Approving Post-Petition Financing on a Final Basis; Memorandum of Points and Authorities; Declaration of Richard A. Marshack in Support Thereof; and Exhibits

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On June 16, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On June 16, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on June 16, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JUDGE'S COPY

The Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 16, 2023
Date

Jonathan Serrano
Printed Name

/s/ *Jonathan Serrano*
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

August 2010

F 9013-3.1.PROOF.SERVICE

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

- **Eric Bensamochan** eric@eblawfirm.us, G63723@notify.cincompass.com
- **Ronald K Brown** ron@rkbrownlaw.com
- **Christopher Celentino** christopher.celentino@dinsmore.com, caron.burke@dinsmore.com
- **Shawn M Christianson** cmcintire@buchalter.com, schristianson@buchalter.com
- **Randall Baldwin Clark** rbc@randallbclark.com
- **Christopher Ghio** christopher.ghio@dinsmore.com
- **Richard H Golubow** rgolubow@wghlawyers.com, jmartinez@wghlawyers.com;svillegas@wghlawyers.com
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- **Alan Craig Hochheiser** ahochheiser@mauricewutscher.com, arodriguez@mauricewutscher.com
- **Garrick A Hollander** ghollander@wghlawyers.com, jmartinez@wghlawyers.com;svillegas@wghlawyers.com
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- **Ira David Kharasch** ikharasch@pszjlaw.com
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- **Christopher J Langley** chris@slclawoffice.com, omar@slclawoffice.com;langleycr75251@notify.bestcase.com;ecfl23@casedriver.com
- **Daniel A Lev** daniel.lev@gmlaw.com, cheryl.caldwell@gmlaw.com;dlev@ecf.courtdrive.com
- **Michael D Lieberman** mlieberman@lipsonneilson.com
- **Richard A Marshack (TR)** pkraus@marshackhays.com, rmarshack@iq7technology.com;ecf.alert+Marshack@titlexi.com
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- **Paul R Shankman** PShankman@fortislaw.com, info@fortislaw.com
- **Andrew Still** astill@swlaw.com, kcollins@swlaw.com
- **United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov
- **Johnny White** JWhite@wrslawyers.com, jlee@wrslawyers.com;eweiman@wrslawyers.com

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled (*specify*):

Declaration of Chapter 11 Trustee's Counsel Regarding Proof of Notice of Hearing and Service for Emergency Motion (I) for Entry of Interim Order: (A) Authorizing the Trustee to Obtain Post-Petition Financing and Superpriority Administrative Expense Claim Pursuant to 11 U.S.C. § 364; and (B) Setting Final Hearing; and Pursuant to Final Hearing, (II) for Entry of Final Order Approving Post-Petition Financing on a Final Basis

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

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JUDGE'S COPY

The Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 20, 2023

Date

Printed Name

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

August 2010

F 9013-3.1.PROOF.SERVICE

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

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- **Paul R Shankman** PShankman@fortislaw.com, info@fortislaw.com
- **Andrew Still** astill@swlaw.com, kcollins@swlaw.com
- **United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov
- **Johnny White** JWhite@wrslawyers.com, jlee@wrslawyers.com;eweiman@wrslawyers.com